

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

DWAYNE GENTRY, )  
 )  
 Plaintiff, )  
 v. ) No. 3:09-0854  
 ) JUDGE ECHOLS  
 STATE OF TENNESSEE, et al., )  
 )  
 Defendants. )

ORDER

Pending before the Court is the Report and Recommendation ("R&R") entered by the United States Magistrate Judge on November 5, 2009 (Docket Entry No. 10) recommending that Plaintiff Dwayne Gentry's Complaint should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) due to Plaintiff's failure to return completed service packets to the Court and his failure to notify the Court of his new address after release from incarceration. No objections to the R&R have been filed.

In reviewing an R&R, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). Having carefully reviewed the record, the Court finds that no error of fact or law appears in the R&R. The Court warned the Plaintiff in an Order entered September 21, 2009 (Docket entry No. 5) that his failure to return completed service packets or to keep the Court apprized of his current whereabouts could result in dismissal

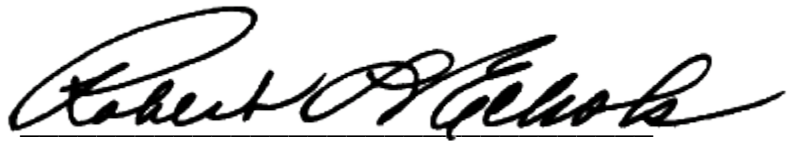
of his case. Plaintiff has not communicated with the Court since the filing of his Complaint, and mail addressed to the Plaintiff has been returned to the Court unopened. Accordingly,

(1) the R&R of the Magistrate Judge (Docket Entry No. 10) is hereby ACCEPTED.

(2) Plaintiff's Complaint (Docket Entry No. 1) is hereby DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 41(b); and

(3) Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE